

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re:

Kerry Allan Betz

Debtor(s).

CHAPTER 13 CASE

CASE NO. 08-33262

ORDER

The above-entitled matter is before the court on the motion of Bank of America its successors and/or assigns through its servicing agent US Bank N.A. (hereinafter "Movant"), seeking relief from the stay of actions imposed pursuant to 11 U.S.C. § 1322 and Local Rule 3007-1. Based upon all files and records;

IT IS HEREBY ORDERED:

1. The motion by Movant is hereby denied.
2. Debtor(s) shall cure the post petition arrears in a total amount of \$5,637.11 with the breakdown as follows:

|                              |            |
|------------------------------|------------|
| Payments 3 @ \$1,056.72 =    | \$3,170.16 |
| May, 2009 through July, 2009 |            |
| Payments 2 @ 1,025.80 =      | \$2,051.60 |
| Late charges =               | \$211.35   |
| Inspections =                | \$60.00    |
| Attorney Fees and costs      | \$700.00   |
| (Suspense)                   | (\$556.00) |
| TOTAL DUE                    | \$5,637.11 |

3. The post petition arrears shall be cured by the payment being received by the office of Wilford & Geske in the amount of \$4,926.80 being forwarded to the Movant and applied. The remaining balance of \$710.31 will be cured by six payments in the amount of \$118.39 commencing November 15, 2009 and continuing through April 15, 2010. These payments are in addition to the Debtor's regular monthly mortgage payment and should be sent directly to the Movant.

4. Debtor(s) shall continue to pay regular monthly payments on this account as and when such payments become due, commencing October 1, 2009.

5. Debtor(s) shall also remain current with the Chapter 13 Trustee.

6. In the event Debtor(s) does not comply with any of the above terms, Movant, its assigns and/or successors in interest, will be entitled to ex parte relief from the automatic stay upon expiration of ten (10) calendar days after service by U.S. Mail of an Affidavit of Default upon Debtor(s) and their attorney; and upon failure by Debtor(s) to cure the same. If a default notice issues and the default is cured within the ten (10) days allowed, Movant will be entitled to \$75.00 as compensation for attorney fees incurred relative to the issuance of that notice.

Notwithstanding Federal Rule of Bankruptcy Procedure 4001(a)(3), this Order is effective immediately.

/e/ Dennis D. O'Brien

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Dated : October 14, 2009

United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND  
FILING ORDER OR JUDGMENT  
Filed and Docket Entry made on **10/15/2009**  
Lori Vosejpk, Clerk, By DLR, Deputy Clerk